



ANTHONY P. BADARACCO  
Of Counsel  
(212) 415-9200  
FAX (212) 953-7201  
badaracco.anthony@dorsey.com

April 19, 2019

**VIA ECF**

Hon. Judge Brian M. Cogan  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Sharpe v. A & W Concentrate Company et al.*,  
No. 1:19-cv-00768(BMC)

Dear Judge Cogan:

We represent Defendants A&W Concentrate Company and Keurig Dr Pepper Inc. ("Defendants") in the above action, and we write to request adjournment of the Initial Status Conference that is currently set for Tuesday, April 23, 2019 at 5:15pm.

We can now confirm, pursuant to the Court's order of April 9, 2019, that Dorsey & Whitney has been retained to make an unlimited appearance on behalf of Defendants.

Defendants were first sent a request to waive service of the summons and complaint on March 22, 2019, so their deadline to answer or move is May 21, 2019. Defendants have not yet determined whether to serve and file an answer or a motion. We also note that the Court's Rule 16 conference order requires counsel, in any case where Rule 26(f) applies, to "confer in compliance therewith at least twenty-one (21) days prior to the scheduled conference to agree upon a proposed discovery plan." To permit compliance with that order, and to allow time for the parties to continue pursuing settlement in good faith, we request an adjournment of the Initial Status Conference until May 28, 2019. Plaintiff's counsel consents to this request.

The original date for the conference was March 21, 2019, before Defendants were served with the complaint. The conference was previously adjourned until April 10, 2019, and then, at the parties' request, it was adjourned a second time until April 23, 2019 to allow Defendants to retain counsel to make an unlimited appearance.

We thank the Court for its attention to this request.

Respectfully Submitted,

/s/ Anthony P. Badaracco  
Anthony P. Badaracco

cc: Spencer Sheehan, Esq. (via ECF)